

Wood County Planning Commission
December 6, 2011 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, December 6, 2011 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Anthony Allion, Tim Brown, Jim Carter, Patrick Fitzgerald, Raymond Huber, Richard Kohring, Alvin Perkins, Donna Schuerman, and Leslee Thompson. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger and Katie Baltz. 6 guests were also present at the meeting.

Chairman Allion called the meeting to order. Upon calling the meeting to order, Mr. Carter made a motion to approve the September 6, 2011 Planning Commission meeting minutes. Mr. Kohring seconded the motion and Commission members responded in full support.

STAFF ACTIVITIES REPORT (SEPTEMBER – NOVEMBER 2011)

Mr. Steiner reported that a meeting to discuss direction for the update of the Wood County Subdivision Rules and Regulations was held with Poggemeyer Design group. Mr. Steiner stated that a meeting was held with the Wood County Auditors GIS Department to formulate a process to update township zoning maps. Mr. Steiner reported that construction was completed on the FY10 Milton Center Storm Sewer Repair project and the North Baltimore ADA Curbs and Ramps Project and stated that the FY10 West Millgrove sanitary sewer pump station project was awarded to Buckeye Pumps and the FY10 Troy Township Water Vending project was awarded to B. Hill's Excavating. Mr. Steiner reported that the FY09 CDBG program was officially closed out and the FY11 CDBG application was accepted by the State and the grant agreement had been issued. Mr. Steiner reported that work continued on the FY10 CHIP program and noted that funds were specifically available for the replacement of failing septic systems. Mr. Steiner reported that numerous landowners were affected by the FEMA Floodplain Map Update that went into effect on September 2, 2011 and stated that several floodplain violations had been investigated. Mr. Steiner reported that 27 parcel splits were completed totaling approximately 294 acres of land, 8 parcel combinations totaling approximately 260 acres of land, and 8 rural address locations were issued. Mr. Fitzgerald questioned if the CHIP funds needed to be used by a certain date. Mrs. Baltz reported that the program ran for 2 years and noted that the funds needed to be used within approximately one year. Mr. Brown requested a copy of the CHIP press release for himself and Planning Commission members.

MIDDLETON TOWNSHIP - SUBDIVISION

National Survey Service and McCarthy Builders submitted a final plat entitled "Replat of Lots 2 through 14, 18 through 22, 36, 48, 52 & 55 through 58 in Riverbend Lakes Subdivision Plat 1" for Planning Commission review and approval. McCarthy Builders recently purchased the lots in the original Riverbend Subdivision that had been offered for sale after the original builders of the plat had gone bankrupt. In order to further develop these lots, McCarthy Builders had indicated that they needed to reduce the width of the side lot line utility easement from ten (10) feet to eight (8) feet in width. Aside from the

two foot reduction in the side yard utility easement width, the existing lots were not being changed.

Mr. Steiner reported that the property was located in River Tract 54 of Middleton Township on River Road (State Route 65), approximately 2,200 feet south of Roachton Road and 1 mile west of Hull Prairie Road. Mr. Steiner reported the development and surrounding areas was currently zoned R-3 Residential and noted that land use in the area was medium density residential. Mr. Steiner stated that the Wood County Comprehensive Land Use Plan had designated the area as an Urban Infill Area.

Mr. Steiner began his review and discussion of the item and stated that the applicant was requesting a replat in order to decrease the side lot utility easement from ten (10) feet to eight (8) feet in width; he also noted that the lot configuration was not being changed. Mr. Steiner reported that two issues needed to be addressed; applicable deed restrictions/homeowners association bylaws and the configuration of Lots 123 and 124 in Plat 1. Mr. Steiner questioned if the developer planned to apply the restrictions and bylaws that were filed with the original subdivision. Mr. Steiner reported that he expected to encounter this problem more of them in the future as undeveloped subdivisions are purchased by new developers. Mr. Steiner informed Planning Commission members that a formal legal opinion was pending in the Wood County Prosecutors Office regarding that issue. Mr. Steiner stated the second issue involved the configuration of Lots 123 and 124. Mr. Steiner reported that Middleton Township was concerned the lots could not be built upon in accordance with the Middleton Township Zoning requirements and noted that they would like to see the problem resolved.

When the item was turned over to Planning Commission members for review and discussion, Mr. Huber questioned if the side yard easement would remain at ten (10) feet for the lots that were not affected by the replat. Mr. Opaczewski, National Survey Service, confirmed that they would. Mr. Allion questioned if the developer could address the issue regarding applicable deed restrictions and homeowner's association bylaws. Mr. Opaczewski reported that they did not anticipate any changes to the deed restrictions. Ms. Penny Getz, Middleton Township Trustee, questioned if the bank had turned the homeowners association over to the homeowners. Mr. Opaczewski stated that he was uncertain. Ms. Getz stated the homeowners had reported that maintenance had not been done to the development since the bank was holding the association's funds. Ms. Getz reported that Middleton Township had no control over the Riverbend Subdivision Homeowners Association and questioned what was planned for the homeowners. Mr. Brian McCarthy, McCarthy Builders, stated that the homeowners association was to be turned over to the homeowners when the development was complete. Mr. McCarthy reported that homeowners were not paying association dues while it was bank owned so the bank financed all maintenance. Mr. McCarthy reported that the development had been contemplated at approximately 480 acres. Mr. McCarthy stated that several meetings had been conducted with the homeowners and reported that he was maintaining the subdivision.

Mr. Kohring questioned if the homeowners covenants and deed restrictions could be submitted for review by the Planning Commission. Mr. Steiner stated that they could. Mr. Fitzgerald questioned if a side yard setback was different than a utility easement. Mr. Opaczewski reported that the side yard setbacks were approved for each lot by Middleton Township, therefore the only request was to decrease the utility easement from 10 feet to 8 feet.

Mr. Allion stated that he would like to discuss the configuration of lots 123 and 124 to determine if they were able to be developed. Mr. Huber questioned why the lots could not be developed. Mr. Steiner reported that Middleton Township requires a 100 foot building setback from any state highway. Ms. Getz reported that Middleton Township restricted access onto State Route 65 when the development was originally platted and noted that all ingress and egress onto the lots needed to be done through the subdivision. Mr. Huber questioned if the lots could be combined. Mr. Steiner reported that one lot was owned by a bank and the other was owned by the applicant. Mr. Huber questioned if the state was enforcing the 100 foot setback. Mr. Opaczewski reported that they were. Mr. Allion suggested that the Planning Commission and Middleton Township should determine from a legal standpoint what they are permitted to do. Mr. McCarthy reported that he believed one of the lots was purchased by an individual and then it was determined that they could not build on it. Mr. McCarthy reported that he had not researched the lots and noted that he was still trying to determine what could be done with them. Mr. Brown questioned how many lots Mr. McCarthy owned. Mr. McCarthy reported that he had purchased 59 lots and was deeded the outlots. Mr. McCarthy noted that he anticipated a potential problem with the configuration of lots 123 and 124.

When the item was turned over to Planning Commission members for a motion, Mr. Kohring made a motion to approve the reduction of the side yard utility easement from 10 feet to 8 feet in width. Mrs. Thompson seconded the motion and Commission members responded in full support.

TROY TOWNSHIP – ZONING

The Troy Township Zoning Commission submitted draft language to be reviewed by the Wood County Planning Commission which would regulate and permit the installation of outdoor wood fired burners within Troy Township. The regulations included provisions for setbacks from neighboring property lines, site plan submission, and a permit application.

Mr. Steiner began his review and discussion and reported that several townships had expressed interest in regards to the regulation of outdoor wood fired burners for several years. Mr. Steiner reported that approximately three years ago, the Planning Commission drafted sample language to address the placement, permitting, and regulation of the burners based on EPA suggestions and reports, CCAO reports, and other Township Zoning Regulations. Mr. Steiner stated that the information was distributed to interested townships and noted that Troy Township was the first township to use some of the sample language to suit their needs and begin the process to incorporate it into their zoning resolution.

Mr. Steiner stated that the proposed regulations would be good idea for Troy Township due to the dense development of some of the rural areas in Troy Township. Mr. Steiner stated that smoke from the outdoor wood fired burners could be obnoxious and noted that he founds reports of the burners being fueled by garbage and tires. Mr. Steiner reported that he was happy with the proposed language minus a few typographical errors.

When the item was turned over to the Planning Commission members for review and discussion, Mr. Kohring suggested that the regulations be applied to all burners rather than just wood burners specifically. Mr. Steiner suggested that the burners “shall” be placed on a concrete pad rather than “should” be. Mr. Steiner reported that the Wood County Building Inspection Department did not have any regulations relating to the placement of outdoor wood fired burners. Mr. Huber suggested that the definition for outdoor wood fired burners should be better defined. Mr. Allion suggested that the definition should specify that the burner is used for the purpose of heating a home or building. Mr. Steiner referenced Section 2.02 (4) “Outdoor Wood Burner... which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Burner maybe referred to as an Outdoor Wood Burner or Outdoor Wood fired Hydronic Heater”. Mr. Steiner reported that small outdoor patio burners were excluded.

Mr. Brown questioned if burners were or could be manufactured that were fueled strictly by trash, plastic, rubber, etc. Mr. Brown noted that cities incinerate their trash. Mr. Steiner stated that it would have to be an approved material/fuel by the manufacturer and meet EPA emission requirements. Mr. Fitzgerald expressed concern than an alternative fuel burner would not fall under the regulations that were strictly adopted for the purposes of burning wood. Mr. Fitzgerald questioned if a corn burner would be subject to the proposed regulations. Mr. Steiner noted that the regulations needed to be tweaked. It was suggested to define them as outdoor furnaces or outdoor fuel burners. Ms. Thompson questioned how the EPA defined the burners. Mr. Steiner reported he believed they defined them as outdoor wood burners and noted that some of their definitions had been thrown out.

When the item was turned over to Planning Commission members for a motion, Mr. Carter made a motion to recommend approval of the proposed language to Troy Township with the recommendation that the township revise the regulations to include all outdoor furnaces rather than specifically wood fired furnaces. Mr. Huber questioned if the motion was only a recommendation to Troy Township. Mr. Allion confirmed it was only a recommendation. Ms. Schuerman seconded the motion and Commission members responded in full support.

Mr. Steve Levorchick, Troy Township Trustee, reported that 15 outdoor wood fired burners were in place in Troy Township and noted that the township had several discussions with a builder/manufacturer of outdoor wood fired burners over the past several months. Ms. Schuerman questioned if any outdoor wood fired burners were

located in town. Mr. Levorchick reported that none were located within the Village of Luckey but noted that approximately 8 were located along Stony Ridge Road.

CENTER TOWNSHIP – ZONING

The Center Township Zoning Commission submitted four text amendments to the current Center Township Zoning Resolution for review by the Wood County Planning Commission. The amendments included two changes to the definitions section, a change to Article XIII regarding maximum height of a building, Article XIV – parking facilities, and changes to Article XV – signs and outdoor advertising. The proposed amendments were the latest update to the Center Township Zoning Resolution.

Mr. Steiner began his review and discussion and suggested that the amendments which were drafted and submitted were fairly straightforward and consisted of standard items found in all zoning texts. Mr. Kohring suggested that parking space size requirement should be increased from 180 square feet to 200 square feet.

There being no further discussion, Mr. Kohring made a motion to recommend approval to Center Township with the suggestion that they revisit the parking space size requirements. Mr. Huber seconded the motion and Planning Commission members responded in full support.

CHAIRMAN'S TIME

Mr. Allion stated that a nomination committee needed to be selected for the election of the 2012 Planning Commission officers. After a brief discussion, it was decided that the nomination committee would consist of Mr. Kohring and Mr. Allion. Ms. Schuerman volunteered to serve as secretary for another term.

Mr. Allion reported that Mr. Steiner's annual review needed to be conducted. Mr. Allion, Mr. Carter, and Mr. Black would conduct the review. Mr. Steiner was instructed to draft an essay for his annual review.

DIRECTORS TIME

Mr. Steiner reported the Wood County Subdivision Update was underway and noted that updates will be based on model language that was drafted by the County Commissioners Association of Ohio (CCAO). Mr. Steiner reported that the consultant, Poggemeyer Design Group, has adapted the language to be applicable for Wood County. Mr. Steiner reported the biggest updates would include changes to minor parcel splits and open space improvements. Mr. Steiner reported that certain individuals and departments would be included at different stages of the update.

Mr. Steiner stated that a variance board consisting of 3-4 members needed to be formed by the Wood County Commissioners in order to hear an appeal to a floodplain violation. Mr. Steiner reported that the board currently consisted of Mr. Huber, Wood County Engineer and Mr. Michael Rudy, Chief Wood County Building Inspector. Mr. Steiner requested a member of the Planning Commission board also volunteer. Mrs. Thompson volunteered to be part of the floodplain variance board. Mr. Steiner reported that the

violation involved the storage of silage within the 100 year floodplain, which is prohibited by the Wood County Floodplain Regulations. Mr. Kohring questioned if the materials would displace water during a 100 year flood event. Mr. Steiner reported that it would.

Mr. Fitzgerald questioned if any new information had been dug up regarding the Cemetery in Middleton Township. Ms. Penny Getz reported that Mr. George Oravec withdrew his rezoning application from Middleton Township and reported to them that forensic testing was going to be done on the site. Ms. Getz reported that she received a call from her brother in law who is a historian and he provided the township with paperwork from the Dioceses of Toledo dated 1991. Ms. Getz reported the information contained a map, listed priests of the parish, and showed the location of the cemetery.

Mr. Allion reported the 2012 Planning Commission meeting schedule had been provided to members of the Commission. Ms. Schuerman made a motion to approve the 2012 meeting schedule. Mrs. Thompson seconded the motion and Commission members responded in full support.

The next Planning Commission meeting is scheduled for January 3, 2012 at 5:30pm. There being no further discussion, Mr. Carter made a motion to adjourn. Mr. Kohring seconded the motion and Planning Commission members responded in full support.